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SUBJECT: INSTRUCTION: HRC RESOLUTION ON TOXIC WASTE

¶1. The Department authorizes USDEL to join consensus and deliver the explanation of position below on the resolution entitled "The adverse effects of the movement and dumping of toxic and dangerous products and wastes and the enjoyment of human rights," provided that the resolution text does not change significantly from the current wording to negatively affect vital U.S. interests. If there is a vote, the USDEL is authorized to abstain and deliver the statement below as an explanation of vote.

¶2. Explanation of Position:

The United States joined consensus on this resolution as we recognize that dumping of toxic wastes can have a negative impact on the enjoyment of human rights, including civil, political, economic, social, and cultural rights. We would like to offer a point of clarity on the use of the term &dangerous products throughout the resolution. This term is vague, as any product that is misused may be called &dangerous.<sup>8</sup> We believe the focus of the resolution is more limited than that vague term might suggest, to toxic or hazardous waste.

We also note that some of the recommendations in the reports of the Special Rapporteur are problematic. For example, the recommendations are quite critical of the International Convention For the Safe and Environmentally Sound Recycling of Ships, adopted earlier this year in Hong Kong. The United States believes that Convention will undoubtedly and significantly improve the environmental impact from ship recycling worldwide. Indeed, that Convention and the work of IMO have already positively impacted ship recycling.

The United States anticipates a lively discussion during the panel to be held during the 13th session. We encourage the relevant experts to use established international and domestic authorities in this area. The panel should not replicate the role of the Special Rapporteur in proposing measures to reduce and eradicate the negative impact on human rights resulting from movement and dumping of toxic waste, but should be a forum for debate and discussion of challenges with the goal of increasing awareness and facilitating the work of the Special Rapporteur.

While the United States will not block adoption of this resolution, we wish this statement to be reflected in the report.  
CLINTON